

IN THE CIRCUIT COURT OF THE 16TH  
JUDICIAL CIRCUIT OF THE STATE OF  
FLORIDA, IN AND FOR MONROE COUNTY

CRIMINAL DIVISION

STATE OF FLORIDA,

CASE NO.: 17-(F-151)

Plaintiff,

v.

Brandon Davis Defendant.

17-151  
PC  
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PLEA(S)

1. I, Brandon Davis, Defendant herein, withdraw my Plea(s) of Not Guilty, and enter a Plea of:

G () Guilty () Nolo Contendere to:

- a. 784.03 + 775.085 Battery Endangering Prejudice
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_

2. I understand that if the Court accepts the plea(s), I give up my right to a trial, at which I would have had the following rights: (1) to have a jury determine whether I am guilty or not guilty, or a hearing before a Judge if charged with violation of probation; (2) to see and hear the witnesses testify, and to have my lawyer question them for me; (3) to subpoena and present witnesses and items of evidence in my defense, and to present any defense I might have to the jury; (4) to testify or to remain silent; and (5) to require the prosecutor to prove my guilt by admissible evidence beyond any reasonable doubt, or to the satisfaction of the Court's conscience if charged with violation of probation, before I can be found guilty. I further understand that I give up my right to appeal all matters except the legality of my sentence or this Court's authority to hear this case. My lawyer has explained to me what an appeal is.

3. I understand that a Plea of Not Guilty denies that I committed the crime(s); a Plea of Guilty admits that I did commit the crime(s); a Plea of Nolo Contendere (or No Contest) says that I do not contest the evidence against me. I understand that if the Court accepts my plea(s) there will be no trial and the Court will impose sentence(s) based upon my plea(s).

4. I have read the information/indictment/warrant in this case and I understand the charge(s) to which I enter my plea(s). My lawyer has explained to me the maximum penalty for the charge(s), the essential elements of the crime(s), and possible defenses to the crime(s), and I understand these things. I understand that if I am on parole, my parole can be revoked and I can be returned to prison to complete that sentence; if I am on probation, my probation can be revoked and I can receive a separate sentence up to the maximum on the probation charge in addition to the sentence imposed on this case. I have reviewed with my lawyer the discovery disclosed by the State.

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5. No one promised me anything to get me to enter the plea(s) except:

a.  No exception.

b.  The prosecutor agrees: *Defendant's sentence will be a withhold of adjudication, 4 years probation, a CAP of 60 days jail, the Court will decide the amount. 75 community service hours, anger management course, stay out of Monroe County, random OAS, no alcohol for a minimum of 2 years, \$100 cost of prosecution, \$100 cost of investigation to two standard fines and costs. Defendant can request early termination only after a minimum of 3 years supervision.*

c.  The Court has agreed:

6. No one has pressured or forced me to enter the plea(s). I am entering the plea(s) because:

*11/10*  I believe I am guilty.

I believe it is in my own best interest.

I enter the plea(s) voluntarily of my own free will.

7. I give up my right to have the prosecutor recite to the Judge the facts showing my guilt (factual basis) before he accepts my plea(s).

8. I understand that the statutory maximum that the Court can impose is 5. I understand that the Court will sentence me according to the sentencing guidelines in effect at the time of the offense and that the Court can sentence me above the statutory maximum if the sentencing guidelines permit the Court to do that. No promises have been made to me regarding gain time or the length of time I will actually serve.

9. My attorney has explained to me the maximum sentence I can receive if I am eligible for habitualization or civil commitment. My attorney has explained to me the habitualization may affect the possibility of early release. My attorney has explained to me the minimum mandatory prison term I will receive if I am sentenced as a habitual felony offender.

10. I understand and agree that if the Judge permits me to remain at liberty pending sentencing I must notify my lawyer and bondsman or Pre-trial Release officer of any change of my address or telephone number or employment and if the Judge orders a Pre-Sentence Investigation (PSI) and I willfully fail to appear for an appointment with the probation officer for the PSI interview, the Judge can revoke my release and place me in jail until the PSI interview has been completed or until my sentencing.

11. My education consists of the following: 16 credits - c...1.1 I am not under the influence of any drug or medication at the time I sign this plea. I am not suffering from mental problems at this time which affects my understanding of this plea. I acknowledge that I have voluntarily signed this plea and have not been coerced in any way.

12. I have read every word in this written plea. I have discussed this written plea with my lawyer and fully understand it. I am fully satisfied with the way my lawyer has handled this case for me.

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13. I understand, and my attorney has explained to me that if I am not a United States Citizen, my Plea of Guilty or Nolo Contendere subjects me to deportation according to the law and regulations of the United States Department of Homeland Security.

14. I understand that this Plea may subject me to involuntary civil commitment under the Jimmy Ryce Act as a sexually violent predator upon completion of my sentence if the offense to which I am pleading is a sexually violent offense or a sexually motivated offense or if I have previously been convicted of such offense.

15. Undersigned are not aware of any physical evidence containing DNA known to exist that could exonerate the Defendant.

16. I understand that I have the right to appeal the judgment and sentence of this Court within thirty (30) days. An attorney will be appointed for me, if it cannot afford an attorney.

Date

6/14/17

Defendant

[REDACTED] Brandon Davis Brown, [REDACTED]

Address

[REDACTED]

Phone

By:

Richards, N.C.

**ACKNOWLEDGEMENT OF COUNSEL**

I, as Defendant's Counsel of Record, certify that: I have reviewed the discovery disclosed by the State, including a listing or description of physical evidence, if available, and reviewed this with the Defendant. I have discussed this case with the Defendant, including the nature of the charge(s), essential elements of each, the evidence against him/her of which I am aware, the possible defenses he/she has, the maximum penalty for the charge(s), and his/her right to appeal. No promises have been made to the Defendant other than as set forth in this plea or of the record. I believe he/she fully understands this written plea, the consequences of entering it, and that the Defendant does so of his/her own free will.

[Signature]

Counsel for Defendant

**CERTIFICATE OF PROSECUTOR**

I hereby assure the Court that the terms of this negotiated plea, as set forth above, are tendered to the Court with the consent of the State of Florida and the victim(s) and/or the arresting officers.

() I hereby consent to the entry of the Plea to the lesser charge(s).

() I confirm that the promises set forth in paragraph 5b have been made.

[Signature]  
Assistant State Attorney

() A factual basis was heard and found sufficient to support the charge(s), and its sufficiency stipulated to by counsel. The Court finds that you are alert and intelligent, that you understand the nature of the charge(s) against you and appreciate the consequences of pleading guilty or nolo contendere, and that you understand that by pleading guilty or nolo contendere, you waive your rights as indicated in the foregoing affidavit, and that the facts the State is prepared to prove are sufficient to sustain the pleas. The Court finds that your decision to plead guilty or nolo contendere is freely, voluntarily and intelligently made and that you have had the advice and counsel of a competent lawyer with whom you say you are satisfied. Your plea of guilty or nolo contendere is accepted.

[Signature]  
JUDGE